

REMARKS

The Office Action dated July 29, 2003 has been carefully reviewed and the forgoing amendments are made in response thereto. Applicant respectfully submits that no prohibited new matter has been introduced by the foregoing amendments. Claims 1-6, 8, 12, 13 and 15-21 are pending before the Examiner for examination. Claims 1-6 and 15 are withdrawn from consideration. Claims 8 and 12 are currently amended, and claims 22 – 26 have been added. Support for the amended claims can be found throughout the specification and in the pending claims. Specifically, support for amended and new claims 8 and 22-24 can be found on page 8, lines 3-35, and support for amended and new claims 12, 25 and 26 can be found on page 9, lines 8-14.

In view of these amendments and the following remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Applicants note and appreciate the Examiner's withdrawal of the rejection of claims 7-13 under 35 U.S.C. §103(a) for being unpatentable over *McKenzie et al.* and *Prusiner et al.*

I. Summary of the Office Action

1. The Office Action rejected claims 8, 12, 13 and 16-21 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention.

II. Response to the Office Action

Rejections under 35 U.S.C. §112, second paragraph

The Office Action alleges that claims 8 and 12, and claims 13 and 16-21 by dependency, are indefinite for reciting the phrases “for example,” “preferably” and “if necessary.” Claims 8 and 12 have been rewritten remove these phrases, incorporating the limitations containing these phrases in new dependent claims 22–26. As amended, claims 8 and 12 are not indefinite because it is clear that the limitations following these phrases are not part of the subject matter of these claims, but rather the subject matter of new claims 22–26. Likewise, claims 22–26 do not contain the phrases “for example,” “preferably” and “if necessary.” Because the amended claims are not indefinite, Applicants respectfully request that these rejections be withdrawn.

CONCLUSION

In view of the foregoing remarks, the Applicants respectfully request withdrawal of all outstanding rejections and early notice of allowance to that effect. A favorable action is awaited. Should the Examiner find that an interview would be helpful to further prosecution of this application, he is invited to telephone the undersigned at his convenience.

Except for fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Dated: October 29, 2003

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